

(C) any other written instrument commonly known as a security;

(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

(E) a blank form of any of the foregoing;

(4) the term “organization” means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association of persons which operates in or the activities of which affect interstate or foreign commerce; and

(5) the term “State” includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

(Added Pub. L. 98-473, title II, §1105(a), Oct. 12, 1984, 98 Stat. 2144, §511; renumbered §513, Pub. L. 99-646, §31(a), Nov. 10, 1986, 100 Stat. 3598; amended Pub. L. 101-647, title XXXV, §3515, Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103-322, title XXXIII, §§330008(1), 330016(2)(C), Sept. 13, 1994, 108 Stat. 2142, 2148.)

#### REFERENCES IN TEXT

Section 916(c) of the Electronic Fund Transfer Act, referred to in par. (3)(A), is classified to section 1693n(c) of Title 15, Commerce and Trade.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, §330016(2)(C), which directed the amendment of this section by substituting “under this title” for “of not more than \$250,000”, was executed by making the substitution for “not more than \$250,000”, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000”.

Subsec. (c)(4). Pub. L. 103-322, §330008(1), substituted “association of persons” for “association or persons”.

1990—Subsec. (c)(3)(A). Pub. L. 101-647 struck out “(15 U.S.C. 1693(c))” after “Electronic Fund Transfer Act” and inserted comma after “profit-sharing agreement”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1956 of this title.

### CHAPTER 26—CRIMINAL STREET GANGS

Sec.  
521. Criminal street gangs.<sup>1</sup>

#### § 521. Criminal street gangs

(a) DEFINITIONS.—

“conviction” includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

“criminal street gang” means an ongoing group, club, organization, or association of 5 or more persons—

(A) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c);

(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

(C) the activities of which affect interstate or foreign commerce.

(b) PENALTY.—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) OFFENSES.—The offenses described in this section are—

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and

(3) a conspiracy to commit an offense described in paragraph (1) or (2).

(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for—

(A) an offense described in subsection (c);

(B) a State offense—

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years’ imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

(Added Pub. L. 103-322, title XV, §150001(a), Sept. 13, 1994, 108 Stat. 2034.)

### CHAPTER 27—CUSTOMS

Sec.	
541.	Entry of goods falsely classified.
542.	Entry of goods by means of false statements.
543.	Entry of goods for less than legal duty.
544.	Relanding of goods.
545.	Smuggling goods into the United States.
546.	Smuggling goods into foreign countries.
547.	Depositing goods in buildings on boundaries.
548.	Removing or repacking goods in warehouses.
549.	Removing goods from customs custody; breaking seals.

<sup>1</sup>Editorially supplied. Section 521 added by Pub. L. 103-322 without corresponding enactment of chapter analysis.

- Sec.  
 550. False claim for refund of duties.  
 551. Concealing or destroying invoices or other papers.  
 552. Officers aiding importation of obscene or treasonous books and articles.  
 553. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.

## AMENDMENTS

1984—Pub. L. 98-547, title III, §301(b), Oct. 25, 1984, 98 Stat. 2771, added item 553.

## CROSS REFERENCES

Bribery of public officials, see section 201 of this title.  
 Enforcement provisions, section 1581 et seq. of Title 19, Customs Duties.

Forfeitures; penalty for aiding unlawful importation, see section 1595a of Title 19.

Libel of vessels and vehicles, see section 1594 of Title 19.

Search of vehicles and persons, see section 482 of Title 19.

Searches and seizures, see section 1595 of Title 19.

**§ 541. Entry of goods falsely classified**

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 715; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §126 (Mar. 4, 1909, ch. 321, §69, 35 Stat. 1101).

Reference to persons aiding, contained in words “or aid in effecting,” was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

## AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

## CROSS REFERENCES

Libel of vessels and vehicles, see section 1594 of Title 19, Customs Duties.

**§ 542. Entry of goods by means of false statements**

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of any lawful duties; or

Whoever is guilty of any willful act or omission whereby the United States shall or may be

deprived of any lawful duties accruing upon merchandise embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission—

Shall be fined for each offense under this title or imprisoned not more than two years, or both.

Nothing in this section shall be construed to relieve imported merchandise from forfeiture under other provisions of law.

The term “commerce of the United States”, as used in this section, shall not include commerce with Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 715; June 30, 1955, ch. 258, §2(c), 69 Stat. 242; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §§330004(18), 330016(1)(K), 108 Stat. 2142, 2147.)

## HISTORICAL AND REVISION NOTES

Based on section 1591 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §591, 46 Stat. 750; Aug. 5, 1935, ch. 438, title III, §304(a), 49 Stat. 527).

The reference in the first paragraph to persons aiding, contained in the phrase “or aids,” was omitted as unnecessary as such persons are made principals by section 2 of this title.

Words “upon conviction” before “be fined” were omitted as surplusage since punishment cannot be imposed until conviction is secured.

Enumeration of persons at beginning of section and provision preserving forfeitures where authorized by law were omitted as surplusage.

The fourth paragraph was added to the revised section to make clear the intent of Congress that forfeiture is an additional consequence independent of the criminal punishment.

The final paragraph was added to conform with section 1709 of title 19, U.S.C., 1940 ed.

Changes in phraseology were also made.

## AMENDMENTS

1994—Pub. L. 103-322, §330016(1)(K), substituted “fined under this title” for “fined not more than \$5,000” in third par.

Pub. L. 103-322, §330004(18), struck out “the Philippine Islands,” before “Virgin Islands” in last par.

1955—Act June 30, 1955, inserted reference to Johnston Island in last par.

## EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see section 2(d) of act June 30, 1955, set out as a note under section 1401 of Title 19, Customs Duties.

## CROSS REFERENCES

Counterfeit writings in connection with customs matters, see section 496 of this title.

False shipping manifest or lack of manifest in connection with importation of goods, penalties, see section 1584 of Title 19, Customs Duties.

Forfeiture of property imported into the United States, which is the subject of any contract, combination or conspiracy mentioned in section 8 of Title 15, Commerce and Trade, see section 11 of Title 15.

Forgery of writings in connection with customs matters, see section 496 of this title.

Narcotic drugs, seizure and forfeiture of, see section 881 of Title 21, Foods and Drugs.

Penalty for fraud, gross negligence, or negligence in connection with importation of goods, see section 1592 of Title 19, Customs Duties.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 1956 of this title; title 31 section 9703.

**§ 543. Entry of goods for less than legal duty**

Whoever, being an officer of the revenue, knowingly admits to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both, and removed from office.

(June 25, 1948, ch. 645, 62 Stat. 716; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

**HISTORICAL AND REVISION NOTES**

Based on title 18, U.S.C., 1940 ed., §125 (Mar. 4, 1909, ch. 321, §68, 35 Stat. 1101).

Reference to persons aiding, contained in words “or aid in admitting,” was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

**AMENDMENTS**

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

**CROSS REFERENCES**

Bribery of public officials, see section 201 of this title.  
Compromise of customs liabilities, penalty, see section 1915 of this title.

Forfeitures, penalty for aiding unlawful importation, see section 1595a of Title 19, Customs Duties.

**§ 544. Relanding of goods**

If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry having been made, such merchandise shall be considered as having been imported into the United States contrary to law, and each person concerned shall be fined under this title or imprisoned not more than two years, or both; and such merchandise shall be forfeited.

The term “any place in the United States”, as used in this section, shall not include Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 716; June 30, 1955, ch. 258, §2(c), 69 Stat. 242; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §§330004(18), 330016(1)(K), 108 Stat. 2142, 2147.)

**HISTORICAL AND REVISION NOTES**

Based on section 1589 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §589, 46 Stat. 750).

The final paragraph was added to conform with section 1709 of title 19, U.S.C., 1940 ed.

Minor changes were made in phraseology.

**AMENDMENTS**

1994—Pub. L. 103-322, §330016(1)(K), substituted “fined under this title” for “fined not more than \$5,000” in first par.

Pub. L. 103-322, §330004(18), struck out “the Philippine Islands,” before “Virgin Islands” in last par.

1955—Act June 30, 1955, inserted reference to Johnston Island in last par.

**EFFECTIVE DATE OF 1955 AMENDMENT**

Amendment by Act June 30, 1955, effective July 1, 1955, see section 2(d) of act June 30, 1955, set out as a note under section 1401 of Title 19, Customs Duties.

**§ 545. Smuggling goods into the United States**

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

Shall be fined under this title or imprisoned not more than five years, or both.

Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

Merchandise introduced into the United States in violation of this section, or the value thereof, to be recovered from any person described in the first or second paragraph of this section, shall be forfeited to the United States.

The term “United States”, as used in this section, shall not include Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 716; Aug. 24, 1954, ch. 890, §1, 68 Stat. 782; Sept. 1, 1954, ch. 1213, title V, §507, 68 Stat. 1141; June 30, 1955, ch. 258, §2(c), 69 Stat. 242; Sept. 13, 1994, Pub. L. 103-322, title XXXII, §320903(c), title XXXIII, §§330004(18), 330016(1)(L), 108 Stat. 2125, 2142, 2147.)

**HISTORICAL AND REVISION NOTES**

Based on section 1593 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §593, 46 Stat. 751).

Reference in first paragraph to aiders, contained in words “his, her, or their aiders and abettors” was omitted as unnecessary since such persons are made principals by section 2 of this title. For the same reason words “or assists in so doing” in second paragraph were deleted.

Words “shall be deemed guilty of a misdemeanor,” in first paragraph were omitted in view of definition of misdemeanor in section 1 of this title.

Conviction provision in first paragraph reading “and on conviction thereof” was deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Minimum punishment provision “nor less than \$50” in second paragraph was deleted.

Forfeiture provision was rephrased to make it clear that forfeiture was not dependent upon conviction.

The final paragraph was added to conform with section 1709 of title 19, U.S.C., 1940 ed.

Changes were made in phraseology.

**AMENDMENTS**

1994—Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” in third par.

Pub. L. 103-322, §330004(18), struck out “the Philippine Islands,” before “Virgin Islands” in last par.

Pub. L. 103-322, §320903(c), inserted “or attempts to smuggle or clandestinely introduce” after “clandestinely introduces” in first par.

1955—Act June 30, 1955, inserted reference to Johnston Island.

1954—Act Sept. 1, 1954, permitted forfeiture of value of merchandise imported in violation of section.

Act Aug. 24, 1954, increased fine from \$5,000 to \$10,000 and imprisonment from two years to five years.

#### EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see section 2(d) of act June 30, 1955, set out as a note under section 1401 of Title 19, Customs Duties.

#### EFFECTIVE DATE OF 1954 AMENDMENT

Section 2 of act Aug. 24, 1954, provided that: “The amendments made by the first section of this Act [amending this section] shall apply only with respect to offenses committed on and after the date of the enactment of this Act [Aug. 24, 1954].”

#### FEDERAL RULES OF CRIMINAL PROCEDURE

Searches and seizures, generally, see rule 41, Appendix to this title.

#### CROSS REFERENCES

False shipping manifest or lack of manifest in connection with importation of goods, penalties, see section 1584 of Title 19, Customs Duties.

Forfeitures generally, see sections 2461 to 2465 of Title 28, Judiciary and Judicial Procedure.

Narcotic drugs—

Penalty for aiding unlawful importation, see section 1595a of Title 19, Customs Duties.

Search of vehicles and persons, see section 482 of Title 19.

Seizure and forfeiture of, see section 881 of Title 21, Food and Drugs.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 1956 of this title; title 21 sections 135a, 967; title 31 section 9703.

### § 546. Smuggling goods into foreign countries

Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be fined under this title or imprisoned not more than two years, or both.

It shall constitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge or reasonable grounds for belief that the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in this section and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose.

(June 25, 1948, ch. 645, 62 Stat. 717; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1702 of title 19, U.S.C., 1940 ed., Customs Duties (Aug. 5, 1935, ch. 438, title I, §2, 49 Stat. 518).

Changes were made in phraseology.

#### REFERENCES IN TEXT

The laws of the United States respecting the customs revenue, referred to in text, are classified generally to Title 19, Customs Duties.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in first par.

### § 547. Depositing goods in buildings on boundaries

Whoever receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, in violation of law, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 717; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1596 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §596, 46 Stat. 752).

Reference to persons aiding, contained in words “or aids therein,” was omitted as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

#### CROSS REFERENCES

Searches and seizures, see section 1595 of Title 19, Customs Duties.

### § 548. Removing or repacking goods in warehouses

Whoever fraudulently conceals, removes, or repacks merchandise in any bonded warehouse or fraudulently alters, defaces or obliterates any marks or numbers placed upon packages deposited in such warehouse, shall be fined under this title or imprisoned not more than two years, or both.

Merchandise so concealed, removed, or repacked, or packages upon which any marks or numbers have been so altered, defaced, or obliterated, shall be forfeited to the United States.

(June 25, 1948, ch. 645, 62 Stat. 717; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1597 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §597, 46 Stat. 752).

This section was rewritten to place the criminal provisions ahead of the forfeiture provisions. This did not require any substantive changes except omission of ref-

erence to persons aiding. Such persons are made principals by section 2 of this title.

The punishment prescribed by section 545 of this title was inserted to make this section complete without reference to another section. In doing so it was necessary to rephrase the punishment provision of section 545 of this title, as originally enacted, without change of substance.

Forfeiture provision was rephrased to make it clear that forfeiture was not dependent upon conviction.

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

### § 549. Removing goods from customs custody; breaking seals

Whoever, without authority, affixes or attaches a customs seal, fastening, or mark, or any seal, fastening, or mark purporting to be a customs seal, fastening, or mark to any vessel, vehicle, warehouse, or package; or

Whoever, without authority, willfully removes, breaks, injures, or defaces any customs seal or other fastening or mark placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody; or

Whoever maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove therefrom any merchandise or baggage therein, or unlawfully removes any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control; or

Whoever receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed—

Shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 717; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1598 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §598, 46 Stat. 752; June 25, 1938, ch. 679, §26, 52 Stat. 1089).

Reference to persons causing, procuring, aiding or assisting was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

In view of definition of felony in section 1 of this title words “guilty of a felony” were omitted. (See reviser’s note under section 550 of this title.)

The punishment prescribed by section 545 of this title was inserted to make this section complete without reference to another section. In doing so it was necessary to rephrase the punishment provision of section 545 of this title, as originally enacted, without change of substance.

Forfeiture provision was omitted to conform with current administrative practice.

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1956 of this title.

### § 550. False claim for refund of duties

Whoever knowingly and willfully files any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise, or knowingly or willfully makes or files any false affidavit, abstract, record, certificate, or other document, with a view to securing the payment to himself or others of any drawback, allowance, or refund of duties, on the exportation of merchandise, greater than that legally due thereon, shall be fined under this title or imprisoned not more than two years, or both, and such merchandise or the value thereof shall be forfeited.

(June 25, 1948, ch. 645, 62 Stat. 718; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1590 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §590, 46 Stat. 750).

Reference to felony, contained in words “such person shall be guilty of a felony” was omitted as unnecessary in view of definition of felony in section 1 of this title. This, too, was the policy adopted by the codifiers of the 1909 Criminal Code. (See S. Rept. 10, pt. I, pp. 12, 13, and 14, 60th Cong., 1st sess.)

Words “and upon conviction thereof” before “shall be punished” were also omitted as unnecessary, since punishment cannot be imposed until a conviction is secured.

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

### § 551. Concealing or destroying invoices or other papers

Whoever willfully conceals or destroys any invoice, book, or paper relating to any merchandise imported into the United States, after an inspection thereof has been demanded by the collector of any collection district; or

Whoever conceals or destroys at any time any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained—

Shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 718; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §120 (Mar. 4, 1909, ch. 321, §64, 35 Stat. 1100).

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

#### TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished, with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May

25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

#### CROSS REFERENCES

Invoices generally, see section 1481 of Title 19, Customs Duties.

### § 552. Officers aiding importation of obscene or treasonous books and articles

Whoever, being an officer, agent, or employee of the United States, knowingly aids or abets any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for procuring abortion, or other articles of indecent or immoral use or tendency, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 718; Jan. 8, 1971, Pub. L. 91-662, § 2, 84 Stat. 1973; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(K), 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 1305(b) of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title III, § 305(b), 46 Stat. 688).

In view of definition of misdemeanor in section 1 of this title words "shall be deemed guilty of a misdemeanor, and" were omitted.

Words "at hard labor" after "imprisonment" were omitted. (See reviser's note under section 1 of this title.)

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

1971—Pub. L. 91-662 struck out "preventing conception or" before "procuring abortion".

#### EFFECTIVE DATE OF 1971 AMENDMENT

Section 7 of Pub. L. 91-662 provided that: "The amendments made by this Act (other than by section 6) [amending this section, sections 1461 and 1462 of this title, and section 1305 of Title 19, Customs Duties] shall take effect on the day after the date of the enactment of this Act [Jan. 8, 1971]."

#### CROSS REFERENCES

Bribery of public officials, see section 201 of this title. Compromise of customs liabilities, penalty, see section 1915 of this title.

Forfeitures, penalty for aiding unlawful importation, see section 1595a of Title 19, Customs Duties.

Immoral articles, importation prohibited, see section 1305 of Title 19.

### § 553. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft

(a) Whoever knowingly imports, exports, or attempts to import or export—

(1) any motor vehicle, off-highway mobile equipment, vessel, aircraft, or part of any motor vehicle, off-highway mobile equipment, vessel, or aircraft, knowing the same to have been stolen; or

(2) any motor vehicle or off-highway mobile equipment or part of any motor vehicle or off-highway mobile equipment, knowing that the identification number of such motor vehicle, equipment, or part has been removed, obliterated, tampered with, or altered;

shall be fined under this title or imprisoned not more than 10 years, or both.

(b) Subsection (a)(2) shall not apply if the removal, obliteration, tampering, or alteration—

(1) is caused by collision or fire; or

(2)(A) in the case of a motor vehicle, is not a violation of section 511 of this title (relating to altering or removing motor vehicle identification numbers); or

(B) in the case of off-highway mobile equipment, would not be a violation of section 511 of this title if such equipment were a motor vehicle.

(c) As used in this section, the term—

(1) "motor vehicle" has the meaning given that term in section 32101 of title 49;

(2) "off-highway mobile equipment" means any self-propelled agricultural equipment, self-propelled construction equipment, and self-propelled special use equipment, used or designed for running on land but not on rail or highway;

(3) "vessel" has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401);

(4) "aircraft" has the meaning given that term in section 40102(a) of title 49; and

(5) "identification number"—

(A) in the case of a motor vehicle, has the meaning given that term in section 511 of this title; and

(B) in the case of any other vehicle or equipment covered by this section, means a number or symbol assigned to the vehicle or equipment, or part thereof, by the manufacturer primarily for the purpose of identifying such vehicle, equipment, or part.

(Added Pub. L. 98-547, title III, § 301(a), Oct. 25, 1984, 98 Stat. 2771; amended Pub. L. 100-690, title VII, § 7021, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 102-519, title I, § 102, Oct. 25, 1992, 106 Stat. 3385; Pub. L. 103-272, § 5(e)(5), July 5, 1994, 108 Stat. 1374.)

#### AMENDMENTS

1994—Subsec. (c)(1). Pub. L. 103-272, § 5(e)(5)(A), substituted "section 32101 of title 49" for "section 2 of the Motor Vehicle Information and Cost Savings Act".

Subsec. (c)(4). Pub. L. 103-272, § 5(e)(5)(B), substituted "section 40102(a) of title 49" for "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)".

1992—Subsec. (a). Pub. L. 102-519 substituted "fined under this title or imprisoned not more than 10 years" for "fined not more than \$15,000 or imprisoned not more than five years" in concluding provisions.

1988—Subsec. (b)(2). Pub. L. 100-690 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "is not a violation of section 511 of this title."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982 of this title.

## CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

Sec.	
[591.]	Repealed.]
592.	Troops at polls.
593.	Interference by armed forces.
594.	Intimidation of voters.
595.	Interference by administrative employees of Federal, State, or Territorial Governments.
596.	Polling armed forces.
597.	Expenditures to influence voting.
598.	Coercion by means of relief appropriations.
599.	Promise of appointment by candidate.
600.	Promise of employment or other benefit for political activity.
601.	Deprivation of employment or other benefit for political contribution.
602.	Solicitation of political contributions.
603.	Making political contributions.
604.	Solicitation from persons on relief.
605.	Disclosure of names of persons on relief.
606.	Intimidation to secure political contributions.
607.	Place of solicitation.
608.	Absent uniformed services voters and overseas voters.
609.	Use of military authority to influence vote of member of Armed Forces.
610.	Coercion of political activity.
[611 to 617.]	Repealed.]

### SENATE REVISION AMENDMENT

By Senate amendment, item 610 was changed to read, "610. Contributions or expenditures by national banks, corporations, or labor organizations". See Senate Report No. 1620, amendment Nos. 4 and 5, 80th Cong.

### AMENDMENTS

1993—Pub. L. 103-94, §4(c)(2), Oct. 6, 1993, 107 Stat. 1005, added item 610.

1990—Pub. L. 101-647, title XXXV, §3516, Nov. 29, 1990, 104 Stat. 4923, substituted "Making political contributions" for "Place of solicitation" in item 603 and "Place of solicitation" for "Making political contributions" in item 607.

1986—Pub. L. 99-410, title II, §202(b), Aug. 28, 1986, 100 Stat. 929, added items 608 and 609.

1980—Pub. L. 96-187, title II, §201(a)(2), Jan. 8, 1980, 93 Stat. 1367, struck out item 591 "Definitions".

1976—Pub. L. 94-453, §2, Oct. 2, 1976, 90 Stat. 1517, substituted "political contribution" for "political activity" in item 601.

Pub. L. 94-283 title II, §201(b), May 11, 1976, 90 Stat. 496, struck out items "608. Limitations on contributions and expenditures", "610. Contributions or expenditures by national banks, corporations or labor organizations", "611. Contributions by Government contractors", "612. Publication or distribution of political statements", "613. Contributions by foreign nationals", "614. Prohibition of contributions in name of another", "615. Limitation on contributions of currency", "616. Acceptance of excessive honorariums", and "617. Fraudulent misrepresentation of campaign authority".

1974—Pub. L. 93-443, title I, §101(d)(4)(B), (f)(3), Oct. 15, 1974, 88 Stat. 1267, 1268, substituted "Contributions by foreign nationals" for "Contributions by agents of foreign principals" in item 613, and added items 614 to 617.

1972—Pub. L. 92-225, title II, §207, Feb. 7, 1972, 86 Stat. 11, substituted "contributions and expenditures" for "political contributions and purchases" in item 608, "Repealed" for "Maximum contributions and expenditures" in item 609, and "Government contractors" for "firms or individuals contracting with the United States" in item 611.

1966—Pub. L. 89-486, §8(c)(1), July 4, 1966, 80 Stat. 249, added item 613.

### STATE LAWS AFFECTED; DEFINITIONS

Section 104 of Pub. L. 93-443 provided that:

"(a) The provisions of chapter 29 of title 18, United States Code, relating to elections and political activities, supersede and preempt any provision of State law with respect to election to Federal office.

"(b) For purposes of this section, the terms 'election', 'Federal office', and 'State' have the meanings given them by section 591 of title 18, United States Code."

### § 591. Repealed. Pub. L. 96-187, title II, § 201(a)(1), Jan. 8, 1980, 93 Stat. 1367]

Section, acts June 25, 1948, ch. 645, 62 Stat. 719; May 24, 1949, ch. 139, §9, 63 Stat. 90; Sept. 22, 1970, Pub. L. 91-405, title II, §204(d)(4), 84 Stat. 853; Feb. 7, 1972, Pub. L. 92-225, title II, §201, 86 Stat. 8; Oct. 15, 1974, Pub. L. 93-443, title I, §§101(f)(2), 102, 88 Stat. 1268, 1269; May 11, 1976, Pub. L. 94-283, title I, §115(g), title II, §202, 90 Stat. 496, 497, defined terms applicable to prohibitions respecting elections and political activities.

### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as an Effective Date of 1980 Amendment note under section 431 of Title 2, The Congress.

### § 592. Troops at polls

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

(June 25, 1948, ch. 645, 62 Stat. 719; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(K), 108 Stat. 2147.)

### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§55 and 59 (Mar. 4, 1909, ch. 321, §§22, 26, 35 Stat. 1092, 1093).

This section consolidates sections 55 and 59 of title 18, U.S.C., 1940 ed.

Mandatory punishment provision was rephrased in the alternative.

In second paragraph, words "or member of the Armed Forces of the United States" were substituted for "soldier, sailor, or marine" so as to cover those auxiliaries which are now component parts of the Army and Navy.

Changes in phraseology were also made.

### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

### CROSS REFERENCES

Disqualification from holding any office of honor, trust, or profit, additional grounds for, see sections 204, 1901, 2071, 2381, 2385, and 2387 of this title.

### § 593. Interference by armed forces

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or